

HOUSE BILL No. 1385

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-24-1-3.5.

Synopsis: Eminent domain for commercial uses. Prohibits the taking of private property by eminent domain for commercial purposes.

Effective: July 1, 2004.

Wolkins, Kuzman

January 20, 2004, read first time and referred to Committee on Appointments and Claims.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1385

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-24-1-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 3.5. (a) This section applies to all property that is**
4 **taken by eminent domain.**

5 **(b) As used in this section, "any interest" includes the right to**
6 **own, lease, sublease, transfer, or exchange a part of the property**
7 **to be condemned.**

8 **(c) As used in this section, "commercial use" means a use that**
9 **does not relate directly to providing a governmental service or**
10 **fulfilling a governmental responsibility. The term includes the**
11 **following:**

12 **(1) Private residential development or use of the property.**

13 **(2) Private development of the property under a lease.**

14 **(3) Use of the property for retail or industrial purposes.**

15 **(d) Except as provided in subsection (e), eminent domain may**
16 **not be used by an entity to acquire property:**

17 **(1) for a commercial use; or**



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1 (2) for transfer of any interest in the property to another
2 person.

3 (e) A utility or gas storage company may use property acquired
4 by eminent domain only for the provision of gas, electric, water,
5 telephone, gas storage, or other utility services. The property may
6 be sold to, leased to, transferred to, or exchanged with another
7 utility or gas storage company so long as the property continues to
8 be used for utility or gas storage purposes.

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